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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,181	05/07/2001	Frederick Murray Burg	2000-0012	1252

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EXAMINER
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ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/850,181

Applicant(s)

BURG ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 1-48 and 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-58 and 60-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 49 and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Erb, U.S. Patent No. 6,130,938 (hereinafter Erb).

Regarding claim 49, Erb discloses a method of establishing a communication session, the method comprising the steps of:

prior to receiving a request to facilitate establishing the communication session between a communication initiator (see Smithers from column 3) and an intended recipient (see Homer Simpson from column 3),

at a central location (see unit 11 from Figure 1), storing information (see Figures 2-5) about a plurality of communication devices (see various devices from column 2) associated with the intended recipient, wherein at least two of the plurality of communication devices are each associated with different respective networks in a multi-networked environment;

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at the central location, receiving status information regarding the plurality of communication devices from the respective networks, wherein the status information comprises information (see variety of behavior information from column 5) other than, or in addition to, whether the multiple communication devices are on or off;

at the central location, receiving the request (see Smithers, in a panic, calls Homer's extension from column 4) to facilitate establishing the communication session;

at the central location, in response to the received request, selecting (see best guess destination from column 5) one of the plurality of communication devices at which the intended recipient can likely be reached, wherein the selection is based, at least in part, on an evaluation of the received status information; and

directing a call (see The first destination in the list is attempted from column 5) to one of the respective networks to which the selected communication device belongs to enable the communication session to be established with the selected communication device.

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Regarding claim 65, Erb discloses a method of identifying a communication device at which a user (see Homer from column 3) can likely be reached, the method comprising:

prior to receiving a request for the identity (see probable location from abstract) of the communication device from a requestor;

storing information (see behavior from abstract) about a plurality of communication devices (see various devices from column 2) associated with the user, wherein each of the plurality of communication devices are associated with different respective networks in a multi-networked environment (see Figure 1); and

receiving status information regarding the plurality of communication devices from the respective networks, wherein the status information comprises information (see variety of behavior information from column 5) other than, or in addition to, whether the multiple communication devices are on or off;

receiving the request (see Upon receiving an incoming call for the user, the system consults the destination list prior to presenting the call from column 4) for the identity of the communication device from the requestor;

selecting (see best guess from column 5) the communication device at which the intended recipient can likely be reached

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from the plurality of communication devices associated with the user, wherein the selection is based, at least in part, on an evaluation of the received status information; and

providing the requestor with the identity of the communication device at which the intended recipient can likely be reached (see The call is then presented to the best guess destination from column 5) in order to facilitate a communication session between the requestor and the user.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 52 and 60 are rejected under 35 U.S.C § 103(a) as being unpatentable over Erb in view of Armstrong et al, U.S. Patent 6,807,423 (hereinafter Armstrong).

Regarding claim 51, Erb does not clearly show the status information that indicates information other than, or in addition to, whether the multiple communication devices are on

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or off includes an indication of whether the multiple communication devices are currently on-line and when they were last active. Regardless, Armstrong discloses this limitation (see column 6). As a result, it would have been obvious to one of ordinary skill in the art to modify Erb with the events discussed by Armstrong. This modification would have improved the flexibility of Erb by using a variety of behavior information as suggested by Erb (see column 5).

Regarding claim 52, Erb discloses in a multi-networked environment, a method of determining a communication device at which a user can likely be reached, the method comprising:

prior to receiving a request to facilitate establishing a communication session between a communication initiator (see Smithers from column 3) and the user (see Homer Simpson from column 3);

receiving status information for a first and second communication devices from a first and second networks, wherein the status information includes status information (see variety of behavior information from column 5) other than, or in addition to, an indication of whether the first and second communication devices are on or off; and

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in response to receiving the request (see Smithers, in a panic, calls Homer's extension from column 4), selecting (see The call is then presented to the best guess destination from column 5) a preferred communication device from the first and second communication devices based on the received status information.

Still on the issue of claim 52, Erb does not disclose querying different types of networks in the multi-networked environment for status information, wherein the status information pertains to the plurality of communication devices associated with the user, including at least the first communication device and the second different communication device, wherein the first communication device is associated with the first network in the multi-network environment and the second communication device is associated with the second, different network in the multi-networked environment.

Despite Erb's deficiencies, Armstrong discloses querying (see presence request from column 6) different types of networks (see Figure 2) in the multi-networked environment for status information, wherein the status information pertains to the plurality of communication devices (see several terminal devices from column 4) associated with the user (see unit 13 from Figure



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3), including at least the first communication device and the second different communication device, wherein the first communication device is associated with the first network in the multi-network environment and the second communication device is associated with the second, different network in the multi-networked environment.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Erb with the watching disclosed by Armstrong. This modification would have improved the system's convenience by following the user's changing habits without requiring the user to continually update the system manually as suggested by Erb (see column 1).

Regarding claim 53, see column 5 of Erb.

Regarding claim 54, see column 5 of Erb.

Regarding claim 55, see column 3 of Erb.

Regarding claim 56, see column 3 of Erb.

As per claim 57, Erb discloses the steps of receiving and selecting occur within an information system (see Figure 1) configured to communicate with the different types of networks in the multi-networked environment. However, Erb does not teach the step of querying occurs within the information system. All

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the same, Armstrong covers this limitation (see column 6). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Erb with the watching disclosed by Armstrong. This modification would have improved the system's convenience by following the user's changing habits without requiring the user to continually update the system manually as suggested by Erb (see column 1).

As per claim 58, Erb discloses the steps of receiving and selecting occur within an information system (see Figure 1) configured to communicate with the different types of networks in the multi-networked environment; and wherein the information system is a unified presence information system. However, Erb does not teach the step of querying occurs within the information system. All the same, Armstrong covers this limitation (see column 6). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Erb with the watching disclosed by Armstrong. This modification would have improved the system's convenience by following the user's changing habits without requiring the user to continually update the system manually as suggested by Erb (see column 1).

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Regarding claim 60, Erb discloses an apparatus for facilitating a communication session between a requestor and a user (see Homer from column 3), the apparatus comprising:

a network interface configured for receiving status information for a first and second communication devices, wherein the status information (see variety of behavior information from column 5) includes status information other than, or in addition to, an indication of whether the first and second communication devices are on or off; and

wherein the receiving occurs independently (see dynamically updating from column 1) of receiving a request for establishing the communication session between the requestor and the user,

a storage block (see Figure 1) configured for storing the received status information; and

a processor configured for selecting a preferred communication device (see best guess from column 5) from the first and second communication devices based on the received status information, wherein the processor performs the selecting in response to receiving the request for establishing the communication session with the user.

Still on the issue of claim 60, Erb fails to teach querying a plurality of different types of networks in a multi-networked environment for status information, wherein the status information pertains to a plurality of communication devices associated with the user, including the first communication device and the second communication device, wherein the first communication device is associated with a first network in the multi-networked environment and the second communication device is associated with a second network in the multi-networked environment; wherein the querying occurs independently of receiving a request for establishing the communication session between the requestor and the user.

Despite Erb's deficiencies, Armstrong teaches querying (see presence request from column 6) a plurality of different types of networks (see Figure 2) in a multi-networked environment for status information, wherein the status information pertains to a plurality of communication devices (see several terminal devices from column 4) associated with the user (see unit 13 from Figure 3), including the first communication device and the second communication device, wherein the first communication device is associated with a first network in the multi-networked environment and the second communication device is associated

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with a second network in the multi-networked environment; wherein the querying occurs independently of receiving a request for establishing the communication session (see Communication from column 12) between the requestor and the user.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Erb with the watching party disclosed by Armstrong. This modification would have improved the system's convenience by following the user's changing habits without requiring the user to continually update the system manually as suggested by Erb (see column 1).

Regarding claim 62, see column 5 of Erb.

Regarding claim 63, see column 3 of Erb.

5. Claim 50 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Erb combined with Ely et al, U.S. Patent No. 6,115,737 (hereinafter Ely).

Regarding claim 50, Erb teaches the storing is performed through a portal site by providing the intended recipient with a predetermined registration procedure to enroll in the service of the method (see column 4). With further respect to claim 50, Erb fails to show the portal site is an Internet portal site.

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Regardless, Ely discloses this limitation (see abstract). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Erb with the gateway of Ely. This modification would have improved the system's user friendliness by effectively communicating large amounts of data as suggested by Ely (see column 1).

6. Claim 61 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Erb combined with Armstrong in further view of Tran et al, U.S. Patent No. 6,154,646 (hereinafter Tran).

Regarding claim 61, nowhere does the combination of Erb and Armstrong mention the claimed limitation of causing information associated with the communication initiator to be displayed on the preferred communication device. All the same, Tran discloses this feature (see column 2). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Erb with the client access function teleservice of Tran. This modification would have improved the convenience of Erb by enabling the user of a communication device to interactively select the call treatment of an incoming call in real time as suggested by Tran (see column 1).

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7. Claim 64 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Erb combined with Armstrong in further view of Voit et al, U.S. Patent No. 5,825,862 (hereinafter Voit).

As per claim 64, Erb discloses the second communication device includes one of a telephone, cellular phone, and personal computer (see Figure 1). However, neither Erb nor Armstrong show the first communication device includes a set-top box. Regardless, Voit discloses this feature (see abstract). And so, it would have been obvious to one of ordinary skill in the art to further modify the combination of Erb and Armstrong with the set-top box of Voit. This modification would have improved the system's flexibility by using various devices to which calls can be routed as suggested by Erb (see column 2).

#### ***Response to Arguments***

8. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.




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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

OA.

Olisa Anwah  
Patent Examiner  
February 3, 2007

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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